

### **REMARKS**

This communication is a full and timely response to the aforementioned Office Action dated October 15, 2010. By this communication, claims 23 and 68 are amended. Claims 24, 26-36, 38-48, 50-52, 54-63 and 66, 67 and 69 are not amended and remain in the application. Therefore, claims 23, 24, 26-36, 38-48, 50-52, 54-63 and 66-69 are pending in the application. Claims 23, 35, 47 and 59 are independent.

Reconsideration of the application and withdrawal of the rejections of the claims are respectfully requested in view of the foregoing amendments and the following remarks.

#### **I. Claim Objections**

Claim 68 is objected to because of the identified informalities. Claim 68 has been amended to depend from claim 59.

Claims 45 and 57 are objected to because they are separated in numerical order from the claim from which they respectively depend. The separation of claims 45 and 57 from their immediate parent claims is not improper, because the dependencies of the intervening claims were properly revised as a result of amendments to the corresponding independent claim.

Claim 45 depends from claim 42. Intervening dependent claims 43 and 44 also previously depended from claim 42. However, intervening claims 43 and 44 were each amended in the Amendment filed on May 11, 2010, to depend from claim 35, in view of the amendments to claims 35 and 42. The dependency of claim 45 was maintained because claim 45 further defines the features recited in claim 42, and derives antecedent basis from claim 42.

Claim 57 depends from claim 54. Intervening dependent claims 55 and 56 previously depended from claim 54. However, intervening claims 55 and 56 were each amended in the May 11, 2010 Amendment to depend from claim 47, in view of the amendments to claims 47 and 54. The dependency of claim 57 was maintained because claim 57 further defines the features of claim 47, and derives antecedent basis from claim 47.

Accordingly, the numerical separation of claims 45 and 57 was the result of amendments to the claims and is therefore not improper. Therefore, Applicants respectfully request that the objection to claims 45 and 57 be withdrawn.

## **II. Rejections Under 35 U.S.C. § 101**

Claims 23, 24 and 26-34 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. For clarity, claim 23 has been amended to recite that computer-readable recording medium is "non-transitory", thereby precluding a possible interpretation that the recited computer-readable recording medium can constitute a transitory signal.

Accordingly, Applicants respectfully request that the rejection of claims 23, 24 and 26-34 under 35 U.S.C. § 101 be withdrawn.

## **III. Rejections Under 35 U.S.C. § 103**

**A.** Claims 23, 26-35, 38-47, 50-52, 54-59, 61-63 and 66-69 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Malamud et al. (U.S. Patent Publication No. 2003/0142123, hereinafter "Malamud") in view of Muller (U.S. Patent No. 4,984,152). This rejection is respectfully traversed.

The purported combination of Malamud and Muller cannot support the rejection of the claimed invention under 35 U.S.C. § 103(a), because these references do not establish that all the elements recited in the claimed invention were known in the prior art. See *KSR International Co. v. Teleflex, Inc.*, 82 USPQ2d 1385, 1395 (U.S. 2007); MPEP 2143.02. Applicant respectfully submits that the claimed invention is patentable over the applied references for at least the following reasons.

### **(1) Exemplary Embodiment**

An exemplary embodiment of the present disclosure provides a non-transitory computer-readable recording medium (e.g., RAM 118, ROM 120, hard disk 122 illustrated in Fig. 1) having a computer program (e.g., operating system 132, cursor API 136, display manager 140 illustrated in Fig. 2) recorded thereon that causes a computer (e.g., computer 100 illustrated in Fig. 1) to control a display device (e.g.,

display device 104 illustrated in Figs. 1 and 2) to display a user interface (e.g., user interface displayed on display 104 as illustrated in Fig. 2) and at least two different images of a cursor within the displayed user interface. For example, the program can cause the computer to display a first image of a cursor (e.g., cursor 200 illustrated in Fig. 3A) and a second image of a cursor (e.g., cursor(s) illustrated in Figs. 7A-7C) in the user interface on the display device 104.

With reference to Fig. 3A, for example, the first image of the cursor 200 comprises a pointer arrow and a tail. The program causes the computer to receive a control input (e.g. from cursor control device 102 illustrated in Fig. 1) containing an instruction to drag at least one object (e.g., icon 142 illustrated in Fig. 2) displayed in the user interface on the display device 104.

The program also causes the computer to control the display device 104 to display, upon receipt of the control input, switch the display of the first image of the cursor 200 (see Fig. 3A) to a display of a second image of the cursor (e.g., any one of the cursors illustrated in Figs. 7A-7C). The second image of the cursor (see Figs. 7A-7C) has a pointer arrow and a first variable graphic that replaces the tail comprised in the first image of the cursor 200.

The program also causes the computer to control the display device 104 to display, while the at least one object (e.g., icon 142) is being dragged, the first variable graphic in the user interface as an alphanumeric representation including a numerical value representing a characteristic of the at least one dragged object. For example, as illustrated in the examples of Figs. 7A and 7B, the first variable graphic of the second image of the cursor is displayed as an alphanumeric representation including a numerical value indicating the number of objects being dragged. In the example of Fig. 7C, the first variable graphic of the second image of the cursor is displayed as an alphanumeric representation including a numerical value indicating a cumulative data size of the number of objects being dragged. In the above-described examples, the tail of the first image of the cursor 200 is replaced with the first variable graphic of the second image of the cursor, to provide the user with meaningful feedback as to current operation being carried out. For example, in a drag operation, the first variable graphic of the second image of the cursor can inform the user of the number of objects being dragged, to thereby allow the user to

confirm that he or she has dragged the intended number of objects. Similarly, with respect to the example in which the first variable graphic of the second image of the cursor indicates the cumulative data size of the number of objects being dragged, the indicated data size can inform the user of any potential problematic issues relating to the dragging operation. For example, if the user is dragging a plurality of objects to a memory device of a fixed capacity (e.g., a CD-ROM with a data capacity of 780 megabytes), the user can be informed if all of the dragged objects can be dragged into a window and copied or moved onto the memory device.

## **(2) Independent Claim 23**

Independent claim 23 recites various features of the above-described exemplary embodiment. In particular, claim 23 recites a computer-readable recording medium having a computer program recorded thereon that causes a computer to control a display device to display a user interface and at least two different images of a cursor within the displayed user interface. Claim 23 recites that the computer program causes the computer to perform operations (1)-(4) below:

(1) displaying, in the user interface on the display device, a first image of the cursor, the first image of the cursor comprising a pointer arrow having a tail;

(2) receiving a control input containing an instruction to drag at least one object displayed in the user interface on the display device;

(3) controlling the display device to, upon receipt of the control input, switch the display of the first image of the cursor to a display of a second image of the cursor in the user interface, the second image of the cursor comprising a first hybrid cursor having a pointer arrow with a first variable graphic replacing the tail comprised in the first image; and

(4) controlling the display device to display, while the at least one object is being dragged, the first variable graphic in the user interface as an alphanumeric representation including a numerical value representing a characteristic of the at least one dragged object.

Malamud discloses a computer system which displays an information pointer consisting of two portions: a pointing portion and an information portion. With reference to Figure 2A, for example, the pointing portion is a conventional cursor 28

having an arrow and a tail. The information portion is an information box 30 that constitutes a window for displaying textual and/or graphical information (see ¶ [0042]). Malamud discloses that the user can choose to display an information pointer among formats of name, information, preview or any combination thereof (see ¶ [0044]). Figures of 2A-2C illustrate types of information pointers that include an information box 30 specifying a name. The name of the object is displayed when the conventional cursor 28 hovers over the object (e.g., book icon 32 in Figure 2B). Figures 2I-2N illustrate types of information pointers that include an information box specifying information about the object over which the conventional cursor 28 hovers.

The Office alleged that Malamud discloses features (1)-(4) of claim 23, except for the feature of a first variable graphic replacing the tail comprised in the first image, as recited in claim 23.

The Office's assertion that Malamud discloses the features of claim 23 is not supportable. The Office's underlying premise for relying on Malamud ignores several fundamental differences between the claimed invention and Malamud. For instance, the conventional cursor (pointer portion) and the information box (information portion) constituting the information pointer of Malamud are physically separate components from each other. For example, as illustrated in Figures 2A-2C of Malamud, the information box is formed as a separate illustration independent from the conventional cursor. On the contrary, claim 23 recites that the first image of the cursor comprises a pointer arrow having a tail. Claim 23 also recites that the second image of the cursor comprises a first hybrid cursor having a pointer arrow with a first variable graphic replacing the tail comprised in the first image. In contrast to claim 23, the information pointer of Malamud consists of a conventional cursor whose tail is never modified, and an entirely separate information box that is independent from the conventional cursor. In rejecting claim 23, the Office has disregarded the express disclosure in Malamud that the appearance of the conventional cursor does not ever change. Instead, the conventional cursor in the information pointer always remains the same. The name and/or information contained in the information box, which is entirely separate from the conventional cursor, is the only portion of the information pointer which changes.

Despite these fundamental differences between claim 23 and Malamud, the Office proposed a combination of incompatible embodiments of Malamud in attempting to arrive at the subject matter of claim 23. For instance, in alleging that Malamud discloses feature (1) of claim 23, the Office referred to ¶ [0052] and Figure 2E, which illustrates a folder 35A having the title "AUI Group" 35B. In Figure 2E, when the conventional cursor 35C hovers over the folder 35A, no information box is displayed. The reason that no information box is displayed in Figure 2E is that there is no additional information associated with the folder 35A (see ¶ [0052]).

Accordingly, in an attempting to arrive at the first image of the cursor, as recited in claim 23, the Office sought to locate a conventional cursor without an information box. However, if the conventional cursor 35C in Figure 2E of Malamud without an information box is intended to correspond to the first image of the cursor, as recited in claim 23, then the conventional cursor 35C in Figure 2E of Malamud must therefore transition into the second image of the cursor as recited in claim 23. This transition, however, is not possible, because, as noted above, no additional information is to be displayed when the user positions the conventional cursor 35C over the folder 35A. Consequently, even if the user dragged the folder 35A with the conventional cursor 35C, no information about the folder 35A would ever be displayed.

Claim 23 recites that upon receiving the control input to drag at least one object (e.g., folder 35A in Figure 2E of Malamud), the display of the first image of the cursor (comprising a pointer arrow having a tail) is switched to a display of a second image of the cursor. Claim 23 recites that the second image of the cursor comprises a pointer arrow and a first variable graphic, which is displayed as an alphanumeric representation including a numerical value representing a characteristic of the at least one dragged object.

However, if the conventional cursor 35C of Malamud corresponds to the first image of the cursor as recited in claim 23, then the conventional cursor 35C would not transition into an information pointer having the conventional cursor 35C and an information box containing information about folder 35A, since there is no information to display about folder 35A. Throughout its description, Malamud expressly discloses that an information box is only displayed when the conventional cursor

hovers over an object containing information to be displayed (see, e.g., Figure 2F, 2G and 2H, and ¶¶ [[0046] and [0052])). Accordingly, in contrast to claim 23, if the conventional cursor 35C of Malamud is intended to correspond to the first image of claim 23, the conventional cursor 35C would not ever be accompanied by any information box containing information about folder 35A, since there is no information to display about folder 35A. Therefore, the Office's reliance on the conventional cursor 35A in Figure 2E vitiates the Office's reliance on other incompatible features of Malamud in striving to arrive at the subject matter of claim 23.

For instance, in an attempting to arrive at the second image of the cursor as recited in claim 23, the Office referred to the drag-and-drop operation in Figure 2C of Malamud. In Figure 2C, Malamud discloses that the information pointer 26 includes a conventional cursor 28 and two information boxes 30A and 30B. Malamud discloses that information boxes 30A and 30B are displayed based on the placement of the conventional cursor 28. Information box 30A is used to designate the name of a source object, and information box 30B is used to designate the name of a target object for a drag-and-drop operation. In Figure 3C, the user is dragging and dropping source object icon 33. Information box 30A representing the source object will contain the name of the source object icon 33 when the conventional cursor 28 is positioned over source object icon 33 and it is dragged. However, when the source object icon 33 is moved to the point of the target object, the name of the target object will be displayed in information box 30B.

As noted above, the Office is relying on Figure 2E of Malamud since the information pointer contains only the conventional cursor. If the features of Figures 2E and 2C are then combined, as proposed by the Office in striving to arrive at the claimed invention, then information box 30A would never appear, since the conventional cursor 35C without any information box is displayed only when there is no information about the source object to display. Accordingly, if the conventional icon 35C in Figure 2E is used to drag the source object icon 33 in Figure 2C, then no information about the source object icon 33 would ever be displayed according to Malamud. The only information box to be displayed would be information box 30B when the source object icon 33 is dragged to the point of the target object. Therefore, the combination of Figures 2E and 2C, which the Office relies on in an

attempt to arrive at the features of claim 23, would only result in the display of information about the target object.

However, claim 23 recites that first variable graphic comprised in the second image of the cursor, which is displayed while the at least one object is being dragged, is displayed as an alphanumeric representation including a numerical value representing a characteristic of the at least one dragged object. In contrast to claim 23, the combination of Figures 2E and 2C result in only information about the target object being displayed, not the source object icon 33 being dragged.

In an attempt to arrive at feature (4) of claim 23, the Office also relied on information boxes in Figures 2K2 and 2L2. With reference to Figure 2K2, Malamud discloses that when the conventional cursor 40E hovers over object 39E, an information box 41E is displayed to indicate information about object 39E (see ¶ [0058]). Similarly, with reference to Figure 2L2, Malamud discloses that when the conventional cursor 40G obscures the object 42G, information box 41G is displayed to indicate information about object 42G (see ¶ [0059]).

Accordingly, in Figures 2K2 and 2L2, Malamud discloses that when a conventional cursor 40E, 40G hovers over an object 39E, 42G, information related to those objects is displayed in an information box 41E, 41G that is entirely separated from the conventional cursor 40E, 40G. However, the information boxes 41E, 41G are not associated with any drag and drop operation. Therefore, in contrast to claim 23, the information boxes 41E, 41G are not displayed while the objects 39E, 42G are being dragged.

Therefore, Malamud does not disclose, suggest or contemplate feature (4) of claim 23. In particular, Malamud does not disclose, suggest or contemplate controlling the display device to display, while the at least one object is being dragged, the first variable graphic in the user interface as an alphanumeric representation including a numerical value representing a characteristic of the at least one dragged object, as recited in claim 23.

Muller also does not disclose or suggest feature (4) of claim 23. Muller merely discloses that different images of a cursor are displayed based on the activation of a different executable operation from a preselected menu display of executable operations (see Column 7, lines 28-56, and Figures 5-7 and 10).



Nevertheless, with the claimed invention as a road map, the Office alleged that "considering the teachings of Malamud and Muller" it would have been obvious to arrive at feature (4). This assertion is not supportable and is contradictory to the disclosure of Malamud and Muller.

As noted above, since the Office must rely on the conventional cursor 35G of Malamud with no information box to arrive at the first image of the cursor as recited in claim 23, then Malamud cannot result in the transition from the conventional cursor 35G to the second image of the cursor that is displayed while the at least one object is dragged. Even considering the Office's piecemeal combination of Malamud and Muller with the claimed invention as a road map, Malamud and Muller would, "considering the teachings of Malamud and Muller", at best, suggest to one skilled in the art the display of an information box, which is entirely separate from the conventional cursor dragging the object, containing information about the target object.

This modification, however, does not result in or correspond to displaying the first variable graphic of the second image of the cursor, while the at least one object is being dragged, as an alphanumeric representation including a numerical value representing a characteristic of the at least one dragged object.

Therefore, Applicant respectfully submits that Malamud and Muller, either individually or in combination, do not disclose or suggest controlling the display device to display, while the at least one object is being dragged, the first variable graphic in the user interface as an alphanumeric representation including a numerical value representing a characteristic of the at least one dragged object, as recited in claim 23.

Accordingly, for at least the foregoing reasons, Applicant respectfully submits that claim 23 is patentable over claim 23, since Malamud and Muller, either individually or in combination, do not disclose or suggest all the recited features of claim 23.

If the Office intends to maintain its contradictory and incompatible interpretation of Malamud and Muller, the Office is respectfully requested to explain how its contradictory and incompatible interpretation of Malamud and Muller would

arrive at the features of claim 23, in view of the disclosure of Malamud and Muller and the remarks presented above.

**(3) Independent Claims 35, 47 and 59**

Independent claims 35, 47 and 59 recite features similar to feature (4) of independent claim 23, which is not disclosed or suggested by Malamud and Muller. Therefore, Applicant respectfully submits that independent claims 35, 47 and 59 are also patentable over Malamud and Muller, since these references, either individually or in combination, do not disclose or suggest all the recited features of claims 35, 47 and 59.

**B.** Claims 24, 36, 48, and 60 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Malamud in view of Muller and further in view of Lektion et al. (U.S. Patent No. 5,801,698, hereinafter "Lektion").

Lektion does not disclose or suggest feature (4) as recited in claim 23, or the corresponding features recited in claims 35, 47 and 59. Consequently, Lektion cannot cure the deficiencies of Malamud and Muller for failing to disclose or suggest all the recited features of claims 23, 35, 47 and 49.

Dependent claims 24, 26-34, 36, 38-46, 48, 50-52, 54-58, 60-63 and 66-69 are patentable by virtue of depending from patentable claims 23, 35, 47 and 59. The dependent claims also recite further distinguishing features over the applied references. The foregoing explanation of the patentability of independent claims 23, 35, 47 and 59 is sufficiently clear such that it is believed to be unnecessary to separately demonstrate the additional patentable features of the dependent claims at this time. However, Applicant reserves the right to do should it become appropriate.

**IV. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. Accordingly, a favorable examination and consideration of the instant application are respectfully requested.

If, after reviewing this Amendment, the Examiner believes there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By: /Jonathan R. Bowser/  
Jonathan R. Bowser  
Registration No. 54,574

Customer No. 21839  
703 836 6620